

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS EDWARD PORTER,	)	
	)	
Petitioner,	)	
	)	2:06cv1520
v.	)	Electronic Filing
	)	
TIMOTHY WAKEFIELD,	)	
et al.,	)	
	)	Judge Cercone
Respondents.	)	Magistrate Judge Caiazza
	)	
	)	

**MEMORANDUM ORDER**

Thomas Edward Porter's Petition for Writ of Habeas Corpus was received by the Clerk of Court on November 15, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on November 30, 2006, recommended that the Petition for Writ of Habeas Corpus filed by Thomas Edward Porter pursuant to the provisions of 28 U.S.C. § 2254 be dismissed because the court lacks subject matter jurisdiction. It also recommended that a Certificate of Appealability be denied. Service was made on the Petitioner by First Class United States Mail delivered to the State Correctional Institution at Greensburg, Greensburg, Pennsylvania, where he is incarcerated and on the Respondents. Objections were filed by the Petitioner on December 14, 2006.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 22nd day of December, 2006,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Thomas Edward Porter pursuant to the provisions of 28 U.S.C. § 2254 is dismissed and a Certificate of Appealability is denied.

The Report and Recommendation of Magistrate Judge Caiazza, (Document No. 4), dated November 30, 2006, is adopted as the opinion of the Court.

s/ David Stewart Cercone

David Stewart Cercone

United States District Judge

cc: Honorable Francis X. Caiazza  
United States Magistrate Judge

Thomas Edward Porter, FP-4721  
SCI Greensburg  
R.D. 10, Box 10  
Greensburg, PA 15601